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| EXAMINER |
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PYZOCHA, MICHAEL J

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| ART UNIT | PAPER NUMBER |
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2137

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/032,175

Applicant(s)

VANDER KAMP, KERRY B.

Examiner

Michael Pyzocha

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. Claims 1-20 are pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. These claims recite the limitation (or a similar limitation), "requesting a password from a basic input-output system (BIOS)." The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to use the invention commensurate in scope with these claims. The specification lacks any description of how to store a password in the BIOS because as described in "BIOS: Definition and Much More from Answers.com" a BIOS is a set of routines.

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4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 6 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 6 recites the limitation "the plurality of drivers" in line 1. There is insufficient antecedent basis for this limitation in the claim.

7. Claim 20 provides for the time it would take to load the operating system, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass.

8. The term "approximately" in claim 20 is a relative term which renders the claim indefinite. The term "approximately" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

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Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-4, 6-7, 14-15, 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liebenow (US 6012146), further in view of Beckert et al (US 6701994).

As per claims 1-4, 6-7, 14-15 and 17 Liebenow discloses a system and method including requesting a password from a BIOS, receiving the password and unlocking a hard drive with the password by determining if the hard drive is locked and using drivers (see column 2 lines 40-60 and column 3 lines 1-25 where it is inherent that to use an IDE the driver must be loaded).

Liebenow fails to disclose loading an operating system kernel.

However, Beckert et al teaches loading an operating system kernel (see column 7 lines 43-46).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to load Beckert et al's

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operating system before requesting the hard drive password of Liebenow.

Motivation to do so would have been to help transfer information between elements within the computer (see column 7 lines 43-46).

11. Claims 5 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Liebenow and Beckert et al system as applied to claims 1 and 14 above, and further in view of "OEM Manual" (Hereinafter OEM).

As per claims 5 and 16, the modified Liebenow and Beckert et al system fails to disclose freezing a lock mechanism to prevent tampering with security parameters.

However, OEM teaches such a limitation (see page 80).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use OEM's freeze lock feature in the modified password protected hard drive system of Liebenow and Beckert et al.

Motivation to do so would have been to reject any other commands to update the device lock functions (see page 80).

As per claims 18-19, the accessing is done after a system interrupt (see column 3 lines 11-25).

12. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Liebenow and Beckert system as

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applied to claim 7 above, and further in view of Parzych et al (US 5375243).

As per claims 9-10, the modified Liebenow and Beckert system fails to disclose the password being a serial number and being encrypted.

However, Parzych et al teaches such a password (see column 4 lines 30-48).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Parzych et al's password in the modified system of Liebenow and Beckert et al.

Motivation to do so would have been to allow a dealer as well as a user to access the system.

13. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Liebenow and Beckert et al system as applied to claim 7 above, and further in view of "Dell PowerEdge 7150" (hereinafter Dell) and further in view of McNabb et al (US 6289462).

As per claim 8, the modified Liebenow and Beckert et al system fails to disclose a chassis intrusion mechanism to alternate between a secure mode and a maintenance mode; wherein the hard drive remains password protected in both the secure mode and the maintenance mode.

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However, Dell teaches a chassis intrusion mechanism (see page 6) and McNabb et al teaches a secure mode and a maintenance mode (see column 11 line 66 through column 12 line 14).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Dell's chassis intrusion mechanism to switch between McNabb et al's modes and to use this system in the modified hard drive protection system of Liebenow and Beckert et al.

Motivation to do so would have been to know when the chassis is open (see page 6) and to have the ability to indicate which mode the system is in (see column 12 lines 1-14).

14. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Liebenow, Beckert et al, Dell, and McNabb et al system as applied to claim 8 above, and further in view of Parzych et al (US 5375243).

As per claims 11 and 13, the modified Liebenow and Beckert system fails to disclose the password being a serial number and being encrypted.

However, Parzych et al teaches such a password (see column 4 lines 30-48).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Parzych et al's

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password in the modified system of the modified Liebenow, Beckert et al, Dell, and McNabb et al.

Motivation to do so would have been to allow a dealer as well as a user to access the system.

As per claim 12, Applicant is directed to Liebenow column 3 lines 8-10 similarly applied as to in claim 1.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chou et al (US 5892906) discloses a request to the BIOS for a password, Kugue (US 5911042) discloses a request to the BIOS for a password, and Benignus (EP 709783 A1) discloses a method for switching between secure and maintenance modes.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the

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organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJP



ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER